



SO ORDERED

SIGNED this 19 day of February, 2025.


Pamela W. McAfee
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:

JOHN ADAM KOZAK

DEBTOR

CASE NO. 24-04051-5-PWM

CHAPTER 7

ORDER GRANTING MOTION FOR 2004 EXAMINATION

This matter came before this Court upon the Motion of Karen P. Ayers, Dwayne F. Ayers, Rhoback Properties, LLC, Christopher Gibson and Lyndsey Gibson, Lone Palm LLC (Chris Boukedes and Danielle Boukedes), Dennis and Erin Hicks, Gerald and Kathy Hill, Jeff and Debbie Vandeven, Marco and Christy Longo, 157W 3rd Street LLC (Rob Croft and Tatum Croft), Harwick NC Properties LLC (Brian Harwick), 109 Ocean Blvd West, LLC (Tiffany Paul McDowell), Frye Property LLC (Marc Chadwick Frye), 4 Waymaker Properties, LLC (Glenn L. Martin, III, Jennifer Martin, Eric King and Melissa King), Mason Gosse (Marshall Lane Design & Interior LLC), White Conch Properties, LLC (Sangita Dash and Bibhu Mishra), Tony and Kathy Goodson, Bruce and Kim Williams, Arrington and Courtney Driver, Justin Sciranko, Jessica and David Gordon, Alvin Willis, John Huebner and Nikki Huebner, Matthew McKinney

and Kimberly McKinney, Just Properties LLC (Christopher and Beth Just), Sarah-Margaret Church and Justin Church, Robert and Mattie Walker, Lori and Barry Pry, Sonya and David Mason, Garry W. Vanderburg and Victoria H. Vanderburg, Steve M. and Brandi West, Joyce Hamilton, SIME LLC (Sima Tavakoli), Carl Rabinowitz, Sarah and Andre Ranadive, Benjamin Koberna and Kidwell NC LLC (Julie Kidwell) (collectively, the “Homeowners”), for an Order upon Stellar Beach Realty & Rentals LLC (“Stellar Beach Rentals”) to produce documents pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure and having stated good cause;

IT IS ORDERED, ADJUDGED, AND DECREED, that on or before February 28, 2025 Stellar Beach Realty & Rentals LLC shall provide to the Homeowners, through their counsel James S. Livermon, III of Womble Bond Dickinson (US) LLP located at 555 Fayetteville Street, Suite 1100, Raleigh, NC 27601, the documents as requested in the Motion, attached hereto as **Exhibit A.**

Exhibit A

- 1) All property management agreements to which Stellar Beach Rentals was a party during calendar years 2023 and 2024. This includes all property management agreements entered into or in effect during this time period.
- 2) All W-2's, pay stubs, pay checks, pay advices or other documents and information evidencing or representing wages and compensation paid by Stellar Beach Rentals to the Debtor and Debtor's spouse between January 1, 2023 and January 31, 2025.
- 3) Copies of bank statements, cancelled checks, debit memos, deposits and deposit tickets, organized in chronological order, for all bank accounts in the name of Stellar Beach Rentals, including but not limited to, Stellar Beach Rental's primary operating account and the account labeled as the trust account maintained at Truist Bank, for each and every month between January 1, 2023 through and including January 31, 2025.
- 4) Copies of the signature cards for each and every Stellar Beach Rentals bank account for the time period of January 1, 2023 through and including January 31, 2025.
- 5) Copies of all bank account check registers, ledgers and journals detailing all account activities maintained by Stellar Beach Rentals for the time period of January 1, 2023 through and including January 31, 2025.
- 6) Copies of all vacation rental agreements with renters for vacation stays at the Homeowners' properties for the time period of January 1, 2024 through November 1, 2025.
- 7) Copies of any and all records, ledgers, notes, memoranda, and reports detailing all security deposits or advance payments received by Stellar Beach Rentals from renters pursuant to vacation rental agreements for vacation stays at the Homeowners' properties scheduled to occur between September 1, 2023 and November 1, 2025.
- 8) Detailed information and documentation of all rents collected by Stellar Beach Rentals related to the Homeowners' properties, broken down and separated by each individual property managed, from January 1, 2023 through January 31, 2025, including all activity reports from Kigo and Streamline software systems.
- 9) Detailed information and documentation identifying and evidencing all distributions made by Stellar Beach Rentals between January 1, 2023 and January 31, 2025 to the Debtor or to an entity in which the Debtor had an interest at the time the distribution was made. Information and documentation to be provided pursuant to this request includes, but not limited to, the date of the distribution, the amount, the account name, number and owner from which the distribution was made, the account name, number and owner into which the distribution was received, and the purpose of the distribution.
- 10) Documentation identifying and evidencing all payments, disbursements, ACH transfers, wire transfers, withdrawals, debits or other transactions by or between Stellar Beach Rentals and the

Debtor, or a relative of the Debtor between January 1, 2023 through and including January 31, 2025.

- 11) Documentation identifying and evidencing all payments, disbursements, ACH transfers, wire transfers, withdrawals, debits or any other transfers or transactions between January 1, 2023 and January 31, 2025 by or between Stellar Beach Rentals and all or any one of the following parties:
 - i) Ally Financial
 - ii) Axos Bank/LaVictoire Finance
 - iii) CFG Merchant Solutions
 - iv) Custom Capital USA
 - v) ES Capital Group, LLC
 - vi) Global Merchant Cash Inc.
 - vii) Grasshopper Bank, N.A.
 - viii) Lamborghini Financial
 - ix) RDM Capital Funding
 - x) Seminole Hard Rock Hotel & Casino
 - xi) Terrapin Business Funding, LLC
 - xii) Truist Bank
 - xiii) Unique Funding Solutions, LLC
- 12) Stellar Beach Rentals' 2022 and 2023 federal tax return, including all schedules. If Stellar Beach Rentals did not file its own return, then produce a copy of the Debtor's tax return and all schedules for 2022 and 2023.
- 13) Copy of Stellar Beach Rentals' balance sheet, profit and loss statement, cash flow statement for fiscal year 2023 and 2024. If Stellar Beach Rentals' fiscal year end is not December 31st, then additionally produce the 2025 fiscal year-to-date financial statements.
- 14) Copy of any and all applications submitted by Stellar Beach Rentals to obtain Economic Injury Disaster Loan submitted to the Small Business Administration.
- 15) Documentation identifying and evidencing all correspondence and communications between any employee, officer, director or owner of Stellar Beach and any potential investors or purchasers of Stellar Beach Rentals that occurred between September 1, 2024 and December 31, 2024. Include in such production any and all proposals may to or made by Stellar Beach Rentals during this time period.
- 16) Documentation identifying and evidencing all correspondence and communications with VRBO and all payments from or on account of rental agreements through VRBO between September 1, 2023 through December 1, 2024.

END OF DOCUMENT